

JOURNAL OF THE HOUSE

Second Regular Session, 98th GENERAL ASSEMBLY

THIRTY-SIXTH DAY, WEDNESDAY, MARCH 9, 2016

The House met pursuant to adjournment.

Speaker Richardson in the Chair.

Prayer by Msgr. Robert A. Kurwicky, Chaplain.

Now abideth faith, hope, love, these three: but the greatest of these is love. (I Corinthians 13:13)

O Lord, Almighty King, our Eternal Source of Wisdom, power, and love, lead us through changes of this life upon earth to rest our hearts with You. Help us to see You more clearly, to think about You more frequently, to pray to You more earnestly, and to do Your will more faithfully. In You may we find confidence and courage for living.

In our minds we place before You those near and dear to us, and others whose lives have blended with ours and bring to us a sense of privilege and responsibility. Do bless them generously and sustain them in Your service. Lay Your hand upon all those who are sick, comfort those who are sad, give courage to the discouraged, strength to the weak, light to those who sit in darkness, and love to those who would keep bitterness in their hearts.

We pray for our beloved House of Representatives that we as an assembly of freely elected citizens may choose wisely, live worthily, relate ourselves to others affirmatively, and dare to be pioneers in humility, strengthening the hands of those who would lead us in the paths of mercy. Together may we go forward to build the kingdom of justice, truth, and love.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Rylee Evers and Ethan Limbach.

The Journal of the thirty-fifth day was approved as printed by the following vote:

AYES: 138

Adams	Alferman	Allen	Anders	Anderson
Andrews	Arthur	Austin	Bahr	Basye
Beard	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 94	Burlison	Burns	Chipman
Cierpiot	Conway 10	Conway 104	Corlew	Cornejo
Crawford	Cross	Curtis	Curtman	Davis
Dogan	Dohrman	Dugger	Dunn	Eggleston
Engler	Fitzpatrick	Fitzwater 144	Fitzwater 49	Flanigan
Fraker	Franklin	Frederick	Gannon	Green
Haahr	Haefner	Hansen	Harris	Hicks

Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubbard	Hubrecht	Hurst	Johnson
Justus	Kelley	Kendrick	Kidd	King
Kirkton	Kolkmeier	Korman	Kratky	LaFaver
Lair	Lant	Lauer	Lavender	Love
Lynch	Marshall	Mathews	May	McCaherty
McDaniel	McDonald	McGaugh	McNeil	Messenger
Miller	Mims	Montecillo	Moon	Morgan
Morris	Muntzel	Neely	Newman	Nichols
Norr	Otto	Pace	Parkinson	Peters
Pfautsch	Phillips	Pierson	Pietzman	Pike
Plocher	Pogue	Reiboldt	Remole	Rizzo
Roden	Roeber	Rone	Ross	Rowden
Rowland 155	Rowland 29	Runions	Ruth	Shaul
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor 139	Taylor 145	Vescovo	Walker
Walton Gray	Webber	White	Wiemann	Wilson
Wood	Zerr	Mr. Speaker		

NOES: 000

PRESENT: 002

Colona	Meredith
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ABSENT: 022

Barnes	Brown 57	Butler	Carpenter	Cookson
Ellington	English	Entlicher	Gardner	Hummel
Jones	Koenig	Leara	Lichtenegger	McCann Beatty
McCreery	McGee	Mitten	Redmon	Rehder
Rhoads	Smith			

VACANCIES: 001

Representative Engler assumed the Chair.

Speaker Richardson resumed the Chair.

HOUSE RESOLUTIONS

Representative Barnes offered House Resolution No. 973.

SECOND READING OF HOUSE BILLS

The following House Bills were read the second time:

HB 2687, relating to a sales tax for regional jail districts.

HB 2688, relating to higher education entity participation in Missouri consolidated health care plan.

HB 2689, relating to the state's energy policies.

HB 2690, relating to the Missouri-Kansas Border Economic Incentives Alliance Act.

HB 2691, relating to ordinances for the abatement of public nuisances.

HB 2692, relating to criminal nonsupport, with penalty provisions.

HB 2693, relating to reimbursement of higher education costs for certain students who attended certified nonpublic high schools.

HB 2694, relating to alternative motor fuel.

HB 2695, relating to lobbying activities.

HB 2696, relating to a savings plan for educational expenses.

HB 2697, relating to the Tricia Leann Tharp act.

HB 2698, relating to the carrying of concealed firearms, with penalty provisions.

HB 2699, relating to the twenty-sixth judicial circuit.

HB 2700, relating to revenge pornography, with a penalty provision.

HB 2701, relating to instructional waivers at the University of Missouri.

PERFECTION OF HOUSE BILLS

HCS HB 2180, relating to county road districts, was taken up by Representative Fitzpatrick.

On motion of Representative Fitzpatrick, **HCS HB 2180** was adopted.

On motion of Representative Fitzpatrick, **HCS HB 2180** was ordered perfected and printed.

HB 1643, relating to cardiopulmonary instruction in schools, was taken up by Representative Hicks.

Representative Ellington offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 1643, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"elementary and secondary education."; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line and section the following:

"170.016. 1. No student shall receive a certificate of graduation from any public high school, including any charter high school, unless he or she has completed a course on world history.

2. Passing a test on world history or otherwise demonstrating proficiency in world history in lieu of completing a course shall not satisfy the requirement described under subsection 1 of this section.

3. The state board of education shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Hoskins assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 113

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 57
Brown 94	Burlison	Chipman	Cierpiot	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	Dogan	Dohrman	Dugger
Eggleston	Engler	English	Entlicher	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Haahr	Haefner	Hansen	Hicks
Higdon	Hill	Hinson	Hoskins	Hough
Houghton	Hubrecht	Hurst	Johnson	Justus
Kelley	Kidd	King	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	Mathews
McCaherty	McDaniel	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Nichols
Parkinson	Pfausch	Phillips	Pietzman	Pike
Plocher	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Roden	Roeber	Rone
Ross	Rowden	Ruth	Shaul	Shull
Shumake	Solon	Sommer	Spencer	Swan
Taylor 139	Taylor 145	Vescovo	Walker	White
Wiemann	Wilson	Wood		

NOES: 043

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellington	Gardner	Green	Harris	Hubbard
Hummel	Kendrick	Kirkton	Kratky	LaFaver
Lavender	May	McCann Beatty	McDonald	McGee

McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Norr	Otto	Pace
Peters	Pierson	Rizzo	Rowland 29	Runions
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT: 006

Fitzpatrick	Jones	McCreery	Rowland 155	Zerr
Mr. Speaker				

VACANCIES: 001

Representative Ellington moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Ellington:

AYES: 044

Adams	Arthur	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellington
English	Gardner	Green	Harris	Hubbard
Hummel	Kendrick	Kirkton	Kratky	LaFaver
Lavender	May	McCann Beatty	McDonald	McGee
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Rowland 29
Runions	Smith	Walton Gray	Webber	

NOES: 111

Alferman	Allen	Anders	Anderson	Andrews
Austin	Bahr	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 57
Brown 94	Burlison	Chipman	Cierpiot	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	Dogan	Dohrman	Dugger
Eggleston	Engler	Entlicher	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Franklin	Frederick	Gannon
Haahr	Haefner	Hansen	Hicks	Higdon
Hill	Hinson	Hoskins	Hough	Houghton
Hubrecht	Hurst	Johnson	Justus	Kelley
Kidd	King	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Lichtenegger	Love
Lynch	Marshall	Mathews	McCaherty	McDaniel
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Phillips
Pietzman	Pike	Plocher	Pogue	Redmon
Rehder	Reiboldt	Remole	Rhoads	Roden
Roeber	Rone	Ross	Rowden	Ruth
Shaul	Shull	Shumake	Solon	Sommer
Spencer	Swan	Taylor 139	Taylor 145	Vescovo

Walker	White	Wiemann	Wilson	Wood
Zerr				

PRESENT: 000

ABSENT: 007

Barnes	Fitzpatrick	Jones	Leara	McCreery
Rowland 155	Mr. Speaker			

VACANCIES: 001

Representative Walton Gray offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 1643, Page 1, In the Title, Line 3, by deleting the word "cardiopulmonary"; and

Further amend said bill and page, Section A, Line 2, by inserting immediately after said line the following:

"170.269. A school district or charter school that provides instruction in a grade or grades not lower than the third nor higher than the twelfth grade may incorporate water and swim safety information into the school district's or charter school's existing physical education curriculum for students in such grades. Instruction shall focus on educating students on becoming safer in and around the water and include discussion of statistics that show that drowning is a major public health problem worldwide."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Walton Gray moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Walton Gray:

AYES: 057

Adams	Anders	Arthur	Brown 94	Burns
Butler	Carpenter	Conway 10	Cookson	Curtis
Dogan	Dunn	Ellington	English	Fitzwater 144
Frederick	Gardner	Green	Harris	Higdon
Hummel	Justus	Kendrick	Kirkton	Kratky
LaFaver	Lant	Lavender	Lichtenegger	Marshall
McCann Beatty	McDonald	McGee	McNeil	Meredith
Miller	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Remole	Rizzo	Rone
Rowland 29	Runions	Shumake	Smith	Solon
Walton Gray	Webber			

NOES: 093

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 57	Burlison
Chipman	Cierpiot	Conway 104	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	Dohrman

Dugger	Eggleston	Entlicher	Flanigan	Fraker
Franklin	Gannon	Haahr	Haefner	Hansen
Hicks	Hill	Hinson	Hoskins	Hough
Houghton	Hubrecht	Hurst	Johnson	Kelley
Kidd	King	Koenig	Kolkmeyer	Korman
Lair	Lauer	Leara	Love	Lynch
Mathews	McCaherty	McDaniel	McGaugh	Messenger
Moon	Morris	Muntzel	Neely	Parkinson
Pfautsch	Phillips	Pietzman	Pike	Plocher
Pogue	Redmon	Rehder	Reiboldt	Roden
Roeber	Ross	Rowden	Ruth	Shaul
Shull	Sommer	Spencer	Swan	Taylor 139
Taylor 145	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zerr		

PRESENT: 000

ABSENT: 012

Barnes	Colona	Engler	Fitzpatrick	Fitzwater 49
Hubbard	Jones	May	McCreery	Rhoads
Rowland 155	Mr. Speaker			

VACANCIES: 001

On motion of Representative Hicks, **HB 1643** was ordered perfected and printed.

HB 1422, relating to vacation leave for state employees, was taken up by Representative Walker.

Representative Walker offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 1422, Page 3, Section 105.935, Lines 56-58, by deleting all of said lines and inserting in lieu thereof the following:

"vacation leave for paid holidays."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Walker, **House Amendment No. 1** was adopted.

On motion of Representative Walker, **HB 1422, as amended**, was ordered perfected and printed.

HB 1698, relating to the meet in Missouri act, was taken up by Representative Rowden.

Representative Rowden offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 1698, Page 4, Section 620.1620, Line 109, by inserting after all of said line the following:

"9. In accordance with the provisions of sections 23.250 to 23.298 and unless otherwise authorized pursuant to section 23.253:

(1) The program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Rowden, **House Amendment No. 1** was adopted.

Representative Hummel offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 1698, Pages 3-4, Section 620.1620, Lines 87-89, by deleting all of said lines, and inserting in lieu thereof the following:

"(2) All approved grants scheduled for disbursement each year shall be disbursed from the general revenue fund subject to appropriation by the general assembly. Any such"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hummel, **House Amendment No. 2** was adopted.

On motion of Representative Rowden, **HB 1698, as amended**, was ordered perfected and printed.

On motion of Representative Cierpiot, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Richardson.

PERFECTION OF HOUSE BILLS

HCS HB 1451, relating to charter schools, was taken up by Representative Wood.

Representative Montecillo offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1451, Page 18, Section 160.410, Lines 5 through 8, by deleting all of said lines and inserting in lieu thereof the following:

"(3) In the case of a charter school whose mission includes student drop-out prevention"; and

Further amend said bill and section by renumbering the subdivisions accordingly; and

Further amend said bill, Page 24, Section 160.415, Lines 99 through 103, by deleting all of said lines and inserting in lieu thereof the following:

"11. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing."; and

Further amend said bill, Pages 26 and 27, Section 167.131, Lines 1 through 27, by deleting all of said section and lines; and

Further amend said bill, Page 27, Section 167.241, Lines 1 through 7, by deleting all of said section and lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Black	Bondon	Brattin	Brown 57	Brown 94
Burlison	Chipman	Cierpiot	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	Dogan	Dohrman	Dugger	Eggleston
Engler	English	Entlicher	Fitzwater 144	Fitzwater 49
Flanigan	Fraker	Frederick	Gannon	Hansen
Higdon	Hill	Hinson	Hough	Houghton
Hubrecht	Hurst	Johnson	Jones	Justus
Kelley	Kidd	Koenig	Kolkmeier	Korman
Lair	Lant	Leara	Lichtenegger	Love
Lynch	Marshall	Mathews	McCaherty	McDaniel
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Pfautsch	Phillips	Pietzman
Pike	Plocher	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Roeber	Rone
Ross	Rowden	Ruth	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor 139
Taylor 145	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 043

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellington	Green	Harris	Hubbard	Hummel
Kendrick	Kirkton	Kratky	LaFaver	Lavender
May	McCann Beatty	McDonald	McGee	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Rowland 29	Runions
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT: 015

Berry	Fitzpatrick	Franklin	Gardner	Haahr
Haefner	Hicks	Hoskins	King	Lauer
McCreery	Parkinson	Roden	Rowland 155	Shaul

VACANCIES: 001

Representative Montecillo moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Montecillo:

AYES: 043

Adams	Anders	Arthur	Burns	Butler
Carpenter	Conway 10	Dunn	Ellington	English
Gardner	Green	Harris	Hubbard	Hummel
Kendrick	Kirkton	Kratky	LaFaver	Lavender
May	McCann Beatty	McDonald	McGee	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Rowland 29	Runions
Smith	Walton Gray	Webber		

NOES: 109

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 57
Brown 94	Burlison	Chipman	Cierpiot	Colona
Conway 104	Cookson	Corlew	Cornejo	Crawford
Cross	Curtman	Davis	Dogan	Dohrman
Dugger	Eggleston	Engler	Entlicher	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Hansen	Higdon	Hill	Hinson
Hoskins	Hough	Houghton	Hubrecht	Hurst
Johnson	Jones	Justus	Kelley	Kidd
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Pfautsch	Phillips	Pietzman	Pike
Plocher	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Roden	Roeber	Rone
Ross	Rowden	Ruth	Shull	Shumake
Solon	Sommer	Spencer	Swan	Taylor 139
Taylor 145	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

PRESENT: 000

ABSENT: 010

Curtis	Fitzpatrick	Haahr	Haefner	Hicks
King	McCreery	Parkinson	Rowland 155	Shaul

VACANCIES: 001

Representative Taylor (145) assumed the Chair.

Representative Morgan offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1451, Page 27, Section 167.131, Lines 25 through 27, by deleting all of said lines and inserting in lieu thereof the following:

"3. For purposes of this section, "approved charter school" means a charter school operating in the state of Missouri that meets the following requirements:

(1) Receives seventy percent or more of the total points on the annual performance report for three out of the last four school years by comparing points earned to the points possible on the annual performance report for three of the last four school years;

(2) Maintains a graduation rate of at least eighty percent for three of the last four school years, if the charter school provides a high school program;

(3) Is in material compliance with its legally binding performance contract and sections 160.400 to 160.425 and section 167.349; and

(4) Is organizationally and fiscally viable as described in paragraph (b) of subdivision (2) of subsection 9 of section 160.405."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Morgan moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Speaker Richardson resumed the Chair.

On motion of Representative Wood, **HCS HB 1451** was adopted.

On motion of Representative Wood, **HCS HB 1451** was ordered perfected and printed.

HCS HB 1583, relating to student safety, was taken up by Representative Allen.

Representative Brattin offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1583, Page 4, Section 160.775, Line 111, by inserting after all of said line the following:

"9. Notwithstanding the provisions of this section, no district shall be required to make any changes to its antibullying policy as it existed before August 28, 2016. No changes shall be made to a district's

antibullying policy unless the local school board of the district approves such changes through a majority vote of the board."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hinson offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for House Bill No. 1583, Page 1, Lines 4-5, by deleting all of said lines and inserting in lieu thereof the words:

"9. Notwithstanding the provisions of this section, so long as a school district has an antibullying policy or policies which were in effect before August 28, 2016, a school district shall not be required to implement or adhere to subsections 2 through 8 of this section. No changes shall be made to"; and

Further amend said amendment, Line 6, by inserting after the word "**policy**" the words "**or policies**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Brattin, **House Amendment No. 1, as amended**, was adopted.

Representative Montecillo offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1583, Page 3, Section 160.775, Line 75, by deleting the words "**and prevent**" on said line; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Montecillo, **House Amendment No. 2** was adopted.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Andrews	Austin	Bahr
Barnes	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brown 94	Burlison	Chipman
Cierpiot	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	Dogan
Dohrman	Dugger	Eggleston	Engler	English
Entlicher	Fitzwater 144	Fitzwater 49	Flanigan	Fraker
Frederick	Gannon	Hansen	Hicks	Higdon

Hill	Hinson	Hoskins	Houghton	Hubrecht
Hurst	Johnson	Jones	Justus	Kelley
Kidd	King	Koenig	Kolkmeier	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mathews	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Parkinson	Pfautsch	Pike
Plocher	Pogue	Redmon	Reiboldt	Remole
Roeber	Rone	Ross	Rowden	Ruth
Shull	Shumake	Solon	Sommer	Spencer
Swan	Taylor 139	Taylor 145	Vescovo	Walker
White	Wiemann	Wilson	Wood	Zerr
Mr. Speaker				

NOES: 043

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellington	Gardner	Green	Harris	Hubbard
Hummel	Kendrick	Kirkton	Kratky	LaFaver
Lavender	May	McCann Beatty	McDonald	McGee
McNeil	Meredith	Mims	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Rowland 29	Runions
Smith	Walton Gray	Webber		

PRESENT: 000

ABSENT: 018

Alferman	Brattin	Brown 57	Fitzpatrick	Franklin
Haahr	Haefner	Hough	McCreery	McDaniel
Mitten	Phillips	Pietzman	Rehder	Rhoads
Roden	Rowland 155	Shaul		

VACANCIES: 001

On motion of Representative Allen, **HCS HB 1583, as amended**, was adopted.

On motion of Representative Allen, **HCS HB 1583, as amended**, was ordered perfected and printed.

HB 1370, relating to abortion, was taken up by Representative Miller.

Representative Arthur offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 1370, Page 1, In the Title, Line 3, by deleting the word "abortion" and inserting in lieu thereof the words "health care services"; and

Further amend said bill, Page 3, Section 188.028, Line 84, by inserting after all of said section and line the following:

"Section 1. Prior to receiving any health care service provided by a licensed health care provider in this state, an individual shall first obtain written consent of at least one family member within the first degree of consanguinity and shall provide written notice of such procedure to at least one additional family member within the first degree of consanguinity."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Ruth raised points of order that **House Amendment No. 1** goes beyond the scope of the bill and amends the title of the bill.

The Chair ruled the first point of order well taken and the second point of order not well taken.

Speaker Pro Tem Hoskins resumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Alferman	Allen	Anderson	Andrews	Austin
Bahr	Barnes	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brown 94	Burlison
Chipman	Cierpiot	Conway 104	Cookson	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
Dogan	Dohrman	Dugger	Eggleston	Engler
English	Entlicher	Fitzwater 144	Fitzwater 49	Flanigan
Fraker	Franklin	Frederick	Gannon	Hansen
Hill	Hoskins	Hough	Houghton	Hubrecht
Hurst	Johnson	Justus	Kelley	Kidd
King	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	Mathews	McCaherty	McGaugh	Messenger
Miller	Moon	Morris	Muntzel	Parkinson
Pfautsch	Phillips	Pike	Plocher	Pogue
Redmon	Rehder	Reiboldt	Remole	Rhoads
Roeber	Rone	Ross	Rowden	Ruth
Shull	Shumake	Solon	Sommer	Swan
Taylor 139	Taylor 145	Vescovo	Walker	White
Wiemann	Wilson	Wood	Zerr	Mr. Speaker

NOES: 040

Adams	Anders	Arthur	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellington	Gardner	Harris	Hubbard	Hummel
Kendrick	Kirkton	LaFaver	Lavender	May
McCann Beatty	McGee	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Rowland 29	Runions	Walton Gray	Webber

PRESENT: 000

ABSENT: 022

Brattin	Brown 57	Fitzpatrick	Green	Haahr
Haefner	Hicks	Higdon	Hinson	Jones
Kratky	Lichtenegger	McCreery	McDaniel	McDonald
Neely	Pietzman	Roden	Rowland 155	Shaul
Smith	Spencer			

VACANCIES: 001

On motion of Representative Miller, **HB 1370** was ordered perfected and printed by the following vote, the ayes and noes having been demanded pursuant to Rule 17:

AYES: 109

Alferman	Allen	Anders	Anderson	Andrews
Austin	Bahr	Barnes	Basye	Beard
Bernskoetter	Berry	Black	Bondon	Brown 94
Burlison	Chipman	Cierpiot	Conway 10	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	Dogan	Dohrman	Dugger
Eggleston	Engler	English	Entlicher	Fitzwater 144
Fitzwater 49	Flanigan	Fraker	Franklin	Frederick
Gannon	Hansen	Harris	Hill	Hinson
Hoskins	Hough	Houghton	Hubrecht	Hurst
Johnson	Jones	Justus	Kelley	Kidd
King	Koenig	Kolkmeier	Korman	Lair
Lant	Lauer	Leara	Love	Lynch
Marshall	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Muntzel
Neely	Parkinson	Pfausch	Phillips	Pike
Plocher	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Roeber	Rone	Ross
Rowden	Rowland 29	Runions	Ruth	Shull
Shumake	Solon	Sommer	Swan	Taylor 139
Taylor 145	Vescovo	Walker	White	Wiemann
Wilson	Wood	Zerr	Mr. Speaker	

NOES: 035

Adams	Arthur	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellington	Gardner
Hubbard	Hummel	Kendrick	Kirkton	LaFaver
Lavender	May	McCann Beatty	McGee	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Walton Gray	Webber

PRESENT: 000

ABSENT: 018

Brattin	Brown 57	Fitzpatrick	Green	Haahr
Haefner	Hicks	Higdon	Kratky	Lichtenegger

McCreery
Shaul

McDonald
Smith

Pietzman
Spencer

Roden

Rowland 155

VACANCIES: 001

Speaker Richardson resumed the Chair.

REFERRAL OF HOUSE RESOLUTIONS

The following House Resolution was referred to the Committee indicated:

HR 973 - Select Committee on Rules

COMMITTEE REPORTS

Committee on Civil and Criminal Proceedings, Chairman McGaugh reporting:

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 1373**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 1828**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

House Committee Amendment No. 1

AMEND House Bill No. 1828, Page 4, Section 571.075, Line 7, by inserting immediately after all of said line the following:

"The provisions of this subsection shall not be construed to prevent a court from imposing a sentence requiring a nonviolent felony offender seeking restoration of his or her civil rights to use the same process for violent felony offenders under subsection 4 of this section if the offender confesses on the record to violent acts or threats of violence as part of a plea arrangement involving a nonviolent felony offense, or if the felony offender also pleads guilty or nolo contendere to a related misdemeanor offense involving violence or the threat of violence."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

House Committee Amendment No. 2

AMEND House Bill No. 1828, Page 8, Section 571.075, Lines 167 to 180, by deleting all of said lines and inserting in lieu thereof the following:

"4. Any person who has been convicted of a violent felony as defined in subsection 3 of this section and who has been deprived of his or her civil right to ship, transport, possess, or receive a firearm as a result of such conviction may file an application in the circuit court of the county in which he or she was convicted or in the county in which he or she resides to restore such person's civil right to ship, transport, possess, or receive a firearm. The court may grant the relief sought if the applicant has been discharged from confinement, probation, or parole, whichever occurred later, the conviction occurred five or more years

before the filing of the application, the person has not been convicted at any other time for a felony under the laws of this state or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony, and the court determines that the applicant will not be likely to act in a manner dangerous to the public safety and that the granting of relief is not contrary to the public interest. If the application is denied, the person shall not file another application until three years have elapsed without the permission of the court. If the application is granted, the applicant's civil right to ship, transport, possess, or receive a firearm shall be restored and the court's order shall so provide."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 2090**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

House Committee Amendment No. 1

AMEND House Bill No. 2090, Page 1, Section 473.748, Line 10, by inserting after all of said section and line the following:

"4. A public administrator acting as a guardian or conservator shall not be held personally liable, or act as the guarantor, for the debts of their ward or protectee.

5. Any person who knowingly violates the provisions of subsection 4 of this section shall be held liable in a civil action for any damage caused to the public administrator's credit by the violation, and may be required to pay a fine of up to fifty dollars. Any moneys collected from the fine shall be deposited into the general revenue fund."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

House Committee Amendment No. 2

AMEND House Bill No. 2090, Page 1, Section 473.748, Line 10, by inserting after all of said line the following:

"4. Upon request, a consumer credit reporting agency shall provide a public administrator a copy of his or her credit report on a quarterly basis at no cost. A consumer credit reporting agency shall remove all references to any debt owed by a ward of the public administrator from the public administrator's credit report. A consumer credit reporting agency may request that the public administrator provide a copy of the order appointing him or her as the public administrator for a ward."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 2133**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

House Committee Amendment No. 1

AMEND House Bill No. 2133, Page 1, Section 595.209, Line 3, by inserting after the number "565.023," on said line the following:

"victims of any offense under section 566,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 2465**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 2502**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1 and House Committee Amendment No. 2**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

House Committee Amendment No. 1

AMEND House Bill No. 2502, Page 4, Section 404.1104, Line 33, by deleting the number **"7"** on said line and inserting in lieu thereof the number **"8"**; and

Further amend said bill, page and section, Line 40, by deleting the number **"7"** on said line and inserting in lieu thereof the number **"8"**; and

Further amend said bill and section, Page 5, Line 58, by deleting the number **"7"** on said line and inserting in lieu thereof the number **"8"**; and

Further amend said bill and section, Page 5, Line 70, by deleting the number **"7"** on said line and inserting in lieu thereof the number **"8"**; and

Further amend said bill and section, Page 6, Line 81, by deleting the number **"7"** on said line and inserting in lieu thereof the number **"8"**; and

Further amend said bill and section, Page 6, Line 92, by deleting the number **"7"** on said line and inserting in lieu thereof the number **"8"**; and

Further amend said bill and section, Page 6, Line 108, by deleting the word **"shall"** on said line and inserting in lieu thereof the word **"should"**; and

Further amend said bill and section, Page 7, Line 15, by inserting immediately after the phrase **"apply to"** the following:

"subsection 3 of"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

House Committee Amendment No. 2

AMEND House Bill No. 2502, Page 3, Section 404.1102, Line 9, by inserting after the number **"404.865,"** the following:

"is not a child under the jurisdiction of the juvenile court under section 211.031,"; and

Further amend said bill and page, Section 404.1103, Line 9, by inserting after the number **"404.865,"** the following:

"the juvenile court under section 211.031,"; and

Further amend said bill and page, Section 404.1104, Line 4, by deleting all of said line and inserting in lieu thereof the following:

"of attorney, is not under the jurisdiction of the juvenile court, or does not have any other person who has legal authority to consent for the patient,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Mr. Speaker: Your Committee on Civil and Criminal Proceedings, to which was referred **HB 2590**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(9) be referred to the Select Committee on Judiciary.

Committee on Economic Development and Business Attraction and Retention, Chairman Rowden reporting:

Mr. Speaker: Your Committee on Economic Development and Business Attraction and Retention, to which was referred **HB 2499**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 27(11)(d) be referred to the Select Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Swan reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 2428**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 27(11)(d) be referred to the Select Committee on Rules.

Committee on Emerging Issues, Chairman Haahr reporting:

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **HB 2515**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

Mr. Speaker: Your Committee on Emerging Issues, to which was referred **HB 2671**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(7) be referred to the Select Committee on General Laws.

Committee on Small Business, Chairman McCaherty reporting:

Mr. Speaker: Your Committee on Small Business, to which was referred **HB 2159**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

Mr. Speaker: Your Committee on Small Business, to which was referred **HB 2599**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1 to House Committee Amendment No. 1** and **House**

Committee Amendment No. 1, as amended, and pursuant to Rule 27(4) be referred to the Select Committee on Commerce.

House Committee Amendment No. 1

to

House Committee Amendment No. 1

AMEND House Committee Amendment No. 1 to House Bill No. 2599, Page 1, Line 31, by inserting after the word, "**information.**" the following:

"A brewer may lease, or wholesaler may sublease, not more than one portable refrigeration unit per retail location. For the purposes of this section, a brewer shall include any business whose primary activity is the brewing, manufacturing, and selling of intoxicating liquor along with such business' wholly and partially owned subsidiaries, parent or holding companies, interest holders, or affiliates thereof."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

House Committee Amendment No. 1

AMEND House Bill No. 2599, Page 1, Section 311.067, Lines 1-12, by deleting all of said lines and section; and

Further amend said bill and page, Section 311.198, Lines 2-5, by deleting all of said lines, and inserting in lieu thereof the following:

"contrary, a brewer may lease to the retail licensee and the retail licensee may accept portable refrigeration units at a total lease value equal to the cost of the unit to the brewer plus two percent of the total lease value as of the execution of the lease. Such portable refrigeration units shall remain the property of the brewer. The brewer may also enter into lease agreements with wholesalers, who may enter into sublease agreements with retail licensees in which the value contained in the sublease is equal to the unit cost to the brewer plus two percent of the total lease value as of the execution of the lease. If the lease agreement is with a wholesaler, the portable refrigeration units shall become the property of the wholesaler at the end of the lease period, which is to be defined between the brewer and the wholesaler. A wholesaler may not directly or indirectly fund the cost or maintenance of the portable refrigeration units. Brewers shall be responsible for maintaining adequate records of retailer payments to be able to verify fulfillment of lease agreements. No portable refrigeration unit may exceed forty cubic feet in storage space. A brewer may lease, or wholesaler may sublease, not more than one portable refrigeration unit per retail location. Such portable refrigeration unit may bear in a conspicuous manner substantial advertising matter about a product or products of the brewer and shall be visible to consumers inside the retail outlet. Notwithstanding any other provision of law, rule, regulation, or lease to the contrary, the retail licensee is hereby authorized to stock, display, and sell any product in and from the portable refrigeration units. No dispensing equipment shall be attached to a leased portable refrigeration unit, and no beer, wine, or intoxicating liquor shall be dispensed directly from a leased portable refrigeration unit. Any brewer or wholesaler that provides portable refrigeration units shall within thirty days thereafter notify the division of alcohol and tobacco control on forms designated by the division of the location, lease terms, and total cubic storage space of the units. The division is hereby given authority, including rulemaking authority, to enforce this section and to ensure compliance by having access to and copies of lease, payment, and portable refrigeration unit records and information.

2. Any lease or sublease executed under this section shall not exceed five years in duration and shall not contain any provision allowing for or requiring the automatic renewal of the lease or sublease.

3. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void.

4. This section shall expire on January 1, 2020. Any lease or sublease executed under this section prior to January 1, 2020, shall remain in effect until the expiration of such lease or sublease."; and

Further amend said bill and section, Page 2, Lines 6-13, by deleting all of said lines; and

Further amend said bill and page, Section 311.201, Lines 2-8, by deleting all of said lines, and inserting in lieu thereof the following:

"package at retail as provided in subsection 1 of section 311.200 may sell from thirty-two to one hundred twenty-eight fluid ounces of draft beer to customers in containers filled by any employee of the retailer on the premises for consumption off such premises. Any employee of the licensee shall be at least twenty-one years of age to fill containers with draft beer.

2. No provision of law, rule, or regulation of the supervisor of alcohol and"; and

Further amend said bill, page and section, Line 12, by deleting the word, "**under**" and inserting in lieu thereof the phrase, "**as provided in**"; and

Further amend said bill and section, Page 3, Lines 28-29, by deleting all of said lines, and inserting in lieu thereof the following:

"4. (1) The filling and refilling of containers shall only occur on demand by a customer and containers shall not be prefilled by the retailer or its employee."; and

Further amend said bill, page and section, Line 47, by deleting the phrase, "**by an employee of the retailer**" and inserting in lieu thereof the phrase, "**by the retailer's employee**"; and

Further amend said bill, page and section, Line 53, by deleting the phrase, "**If not**" and inserting in lieu thereof the phrase, "**When not**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Committee on Telecommunications, Chairman Korman reporting:

Mr. Speaker: Your Committee on Telecommunications, to which was referred **HB 1898**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1** and **House Committee Amendment No. 2**, and pursuant to Rule 27(14) be referred to the Select Committee on Utilities.

House Committee Amendment No. 1

AMEND House Bill No. 1898, Page 2, Section 153.030, Line 43, by inserting after all of said line the following:

"If a telephone company accrues tax savings as a result of implementing this subsection, then it shall compile an annual record of such savings, which shall involve a good faith estimate of the difference between the property taxes owed using the methodology under section 153.030 prior to January 1, 2017, and the taxes owed using the methodology under this subsection beginning January 1, 2017, and shall rebate or otherwise remit three fourths of such tax savings to its customers on an annual basis. This tax savings rebate may be proportional to customer usage or may be a flat rebate per customer and it shall be required for a period of seven years beginning on January 1, 2017."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

House Committee Amendment No. 2

AMEND House Bill No. 1898, Page 2, Section 153.030, Lines 42 to 43, by deleting all of said lines and inserting in lieu thereof the following:

"methodology utilized under section 137.122, except that a telephone company may elect to make use of assessment amounts from county assessors for all other types of property excluding land and buildings.";
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Committee on Trade and Tourism, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Trade and Tourism, to which was referred **HB 2480**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 27(11)(d) be referred to the Select Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1448**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 2270**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 2**, and pursuant to Rule 27(6) be referred to the Select Committee on Financial Institutions and Taxation.

House Committee Amendment No. 2

AMEND House Bill No. 2270, Page 1, In the Title, Line 2, by deleting the words, "tax credits" and inserting in lieu thereof the word, "refunds"; and

Further amend said bill and page, Section A, Line 1, by deleting the number "135" and inserting in lieu thereof the number "144"; and

Further amend said bill, page and section, Line 2, by deleting the number "135.780" and inserting in lieu thereof the number "144.190"; and

Further amend said bill, Pages 1-2, Section 135.780, Lines 1-49, by deleting all of said section and lines and inserting in lieu thereof the following:

"144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance, with interest as determined by section 32.065, shall be refunded to the person legally obligated to remit the tax, but no such credit or

refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. Every claim for refund must be in writing and signed by the applicant, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

4. Notwithstanding the provisions of section 32.057, a purchaser that originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the director of revenue for such sales or use taxes paid to such vendor or seller and remitted to the director, provided no sum shall be refunded more than once, any such claim shall be subject to any offset, defense, or other claim the director otherwise would have against either the purchaser or vendor or seller, and such claim for refund is accompanied by either:

(1) A notarized assignment of rights statement by the vendor or seller to the purchaser allowing the purchaser to seek the refund on behalf of the vendor or seller. An assignment of rights statement shall contain the Missouri sales or use tax registration number of the vendor or seller, a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller, and a notarized statement signed by the vendor or seller affirming that the vendor or seller has not received a refund or credit, will not apply for a refund or credit of the tax collected on any transactions covered by the assignment, and authorizes the director to amend the seller's return to reflect the refund; or

(2) In the event the vendor or seller fails or refuses to provide an assignment of rights statement within sixty days from the date of such purchaser's written request to the vendor or seller, or the purchaser is not able to locate the vendor or seller or the vendor or seller is no longer in business, the purchaser may provide the director a notarized statement confirming the efforts that have been made to obtain an assignment of rights from the vendor or seller. Such statement shall contain a list of the transactions covered by the assignment, the tax periods and location for which the original sale was reported to the director of revenue by the vendor or seller.

The director shall not require such vendor, seller, or purchaser to submit amended returns for refund claims submitted under the provisions of this subsection. Notwithstanding the provisions of section 32.057, if the seller is registered with the director for collection and remittance of sales tax, the director shall notify the seller at the seller's last known address of the claim for refund. If the seller objects to the refund within thirty days of the date of the notice, the director shall not pay the refund. If the seller agrees that the refund is warranted or fails to respond within thirty days, the director may issue the refund and amend the seller's return to reflect the refund. For purposes of section 32.069, the refund claim shall not be considered to have been filed until the seller agrees that the refund is warranted or thirty days after the date the director notified the seller and the seller failed to respond.

5. Notwithstanding the provisions of section 32.057, when a vendor files a refund claim on behalf of a purchaser and such refund claim is denied by the director, notice of such denial and the reason for the denial shall be sent by the director to the vendor and each purchaser whose name and address is submitted with the refund claim form filed by the vendor. A purchaser shall be entitled to appeal the denial of the refund claim within sixty days of the date such notice of denial is mailed by the director as provided in section 144.261. The provisions of this subsection shall apply to all refund claims filed after August 28, 2012. The provisions of this subsection allowing a purchaser to appeal the director's decision to deny a refund claim shall also apply to any refund claim denied by the director on or after January 1, 2007, if an appeal of the denial of the refund claim is filed by the purchaser no later than September 28, 2012, and if such claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

6. Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, 67, 70, 92, 94, 162, 190, 238, 321, and 644 shall be remitted based upon the location of the place of business of the purchaser.

7. Special rules applicable to error corrections requested by customers of mobile telecommunications service are as follows:

(1) For purposes of this subsection, the terms "customer", "home service provider", "place of primary use", "electronic database", and "enhanced zip code" shall have the same meanings as defined in the Mobile Telecommunications Sourcing Act incorporated by reference in section 144.013;

(2) Notwithstanding the provisions of this section, if a customer of mobile telecommunications services believes that the amount of tax, the assignment of place of primary use or the taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider, in writing, within three years from the date of the billing statement. The customer shall include in such written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction of the tax assignment, a description of the error asserted by the customer and any other information the home service provider reasonably requires to process the request;

(3) Within sixty days of receiving the customer's notice, the home service provider shall review its records and the electronic database or enhanced zip code to determine the customer's correct taxing jurisdiction. If the home service provider determines that the review shows that the amount of tax, assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and, at its election, either refund or credit the amount of tax erroneously collected to the customer for a period of up to three years from the last day of the home service provider's sixty-day review period. If the home service provider determines that the review shows that the amount of tax, the assignment of place of primary use or the taxing jurisdiction is correct, the home service provider shall provide a written explanation of its determination to the customer.

8. For all refund claims submitted to the department of revenue on or after September 1, 2003, notwithstanding any provision of this section to the contrary, if a person legally obligated to remit the tax levied pursuant to sections 144.010 to 144.525 has received a refund of such taxes for a specific issue and submits a subsequent claim for refund of such taxes on the same issue for a tax period beginning on or after the date the original refund check issued to such person, no refund shall be allowed. This subsection shall not apply and a refund shall be allowed if an additional refund claim is filed due to any of the following:

- (1) Receipt of additional information or an exemption certificate from the purchaser of the item at issue;
- (2) A decision of a court of competent jurisdiction or the administrative hearing commission; or
- (3) Changes in regulations or policy by the department of revenue.

9. Notwithstanding any provision of law to the contrary, the director of revenue shall respond to a request for a binding letter ruling filed in accordance with section 536.021 within sixty days of receipt of such request. If the director of revenue fails to respond to such letter ruling request within sixty days of receipt by the director, the director of revenue shall be barred from pursuing collection of any assessment of sales or use tax with respect to the issue which is the subject of the letter ruling request. For purposes of this subsection, the term "letter ruling" means a written interpretation of law by the director to a specific set of facts provided by a specific taxpayer or his or her agent.

10. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510 against any deficiency or tax due discovered through an audit of the person by the department of revenue through adjustment during the same tax filing period for which the audit applied.

11. Notwithstanding any provision of law to the contrary, the director of revenue shall allow refund claims from businesses that paid sales and use tax assessments as a result of an audit by the department of revenue, between August 28, 2005 and August 28, 2015, when the department expanded its interpretation of taxable items and the taxpayer did not collect the tax from the taxpayer's customers. The refund shall be allowed in an amount equal to the amount actually paid on such assessment by the taxpayer plus interest accrued on such tax payment. The amount of interest shall be calculated using the interest rate established under section 32.065 and using the period of time such tax payment was in the department's possession, as determined by the department. The total amount of refund claims and interest paid under this subsection shall not exceed five million dollars."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Select Committee on Agriculture, Chairman Reiboldt reporting:

Mr. Speaker: Your Select Committee on Agriculture, to which was referred **HB 1973, with House Committee Amendment No. 1, House Committee Amendment No. 1 to House Committee Amendment No. 2 and House Committee Amendment No. 2, as amended**, begs

leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Mr. Speaker: Your Select Committee on Agriculture, to which was referred **HB 2038, with House Committee Amendment No. 1 to House Committee Amendment No. 1** and **House Committee Amendment No. 1, as amended**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

Select Committee on Budget, Chairman Flanigan reporting:

Mr. Speaker: Your Select Committee on Budget, to which was referred **HB 2014**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**.

ADVANCEMENT OF HOUSE BILLS - CONSENT

Pursuant to Rule 48, the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee amendments thereto adopted and perfected by consent: **HB 1777, HB 2183, as amended, HB 2335, as amended, HB 2348, HB 2369 and HB 1958**.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were read the first time and copies ordered printed:

HJR 102, introduced by Representative Ross, relating to property exempt from taxation.

HJR 103, introduced by Representative Ross, relating to the conservation commission.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 2702, introduced by Representative Haefner, relating to the remittance of sales tax.

HB 2703, introduced by Representative Runions, relating to planning commissions.

HB 2704, introduced by Representative Franklin, relating to transient guests.

HB 2705, introduced by Representative Frederick, relating to property assessment.

HB 2706, introduced by Representative Kratky, relating to a tax credit for renovation of rental property.

HIGHER EDUCATION

Monday, March 14, 2016, 12:00 PM, House Hearing Room 3.

Public hearing will be held: HB 2622, HB 2432

Executive session may be held on any matter referred to the committee.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Monday, March 14, 2016, Upon Adjournment, House Hearing Room 6.

Public hearing will be held: HB 1863, HB 2606, HB 1569

Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON COMMERCE

Thursday, March 10, 2016, Upon Adjournment, House Hearing Room 6.

Executive session will be held: HB 1757, HB 2109, HB 2298

Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON EDUCATION

Thursday, March 10, 2016, 8:00 AM, House Hearing Room 5.

Executive session will be held: HB 2379, HB 1614, HB 1628, HB 2237, HJR 59

Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON FINANCIAL INSTITUTIONS AND TAXATION

Thursday, March 10, 2016, 9:00 AM, House Hearing Room 7.

Executive session will be held: HB 1605, HB 2252, HB 2349

Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON INSURANCE

Thursday, March 10, 2016, 8:30 AM, House Hearing Room 4.

Executive session will be held: HB 1976, HB 2194, HB 1659, HB 2316, HB 2045, HB 2150

Executive session may be held on any matter referred to the committee.

Added HB 2150

AMENDED

SELECT COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Thursday, March 10, 2016, Upon Adjournment, South Gallery.

Executive session will be held: HB 1955, HB 2250, HB 2276

Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS

Thursday, March 10, 2016, 8:00 AM, House Hearing Room 1.

Executive session will be held: HB 1962, HB 2445, HB 2381, HB 2344, HB 2066, HB 2093, HB 2456

Executive session may be held on any matter referred to the committee.

SELECT COMMITTEE ON UTILITIES

Thursday, March 10, 2016, 8:30 AM, House Hearing Room 6.

Executive session will be held: HB 2078, HB 2210, HB 2209, SS SCS SB 838

Executive session may be held on any matter referred to the committee.

WORKFORCE STANDARDS AND DEVELOPMENT

Monday, March 14, 2016, 12:00 PM, House Hearing Room 5.

Public hearing will be held: HB 1940, HB 2630

Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

THIRTY-SEVENTH DAY, THURSDAY, MARCH 10, 2016

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 102 and HJR 103

HOUSE BILLS FOR SECOND READING

HB 2702 through HB 2709

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

HCS HB 2014 - Flanigan

HOUSE BILLS FOR PERFECTION

HCS HB 1995 - Cornejo

HB 1396 - McCreery

HCS HB 1738 - Brattin

HCS HBs 1400 & 1425 - Shumake

HB 2230 - Ross

HB 1606 - Kelley

HCS HB 1912 - Hinson

HCS HBs 2188, 1533, 1393, 2114 & 2113 - Hough

HB 1389 - King

HB 1716 - Lichtenegger

HB 2429 - Dohrman

HCS HB 1718 - Corlew

HCS HB 1756 - Bahr

HCS HB 1598 - Kelley

HCS HB 2108 - Alferman

HCS HB 2397 - Hough

HCS HB 1386 - English

HCS HB 1675 - Muntzel

HB 2337 - Parkinson
HB 2355 - Lant
HCS HB 1618 - McCaherty
HB 2101 - Fitzpatrick
HB 1531 - Brown (57)
HB 1678 - Solon
HB 2238 - Gannon
HCS HB 2402 - Bondon
HCS HB 2029 – Hoskins
HCS HB 2453 - Johnson

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HB 1603 - Shumake

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCS HCR 94 - Hummel
HCR 79 - Korman
HCS HCR 60 - Love

HOUSE BILLS FOR THIRD READING - APPROPRIATIONS

HCS HB 2001 - Flanigan
HCS HB 2002 - Flanigan
HCS HB 2003 - Flanigan
HCS HB 2004 - Flanigan
HCS HB 2005 - Flanigan
HCS HB 2006 - Flanigan
HCS HB 2007 - Flanigan
HCS HB 2008 - Flanigan
HCS HB 2009 - Flanigan
HCS HB 2010 - Flanigan
HCS HB 2011 - Flanigan
HCS HB 2012 - Flanigan
HCS HB 2013 - Flanigan

HOUSE BILLS FOR THIRD READING

HCS HB 1413, E.C. - Houghton
HB 1370 - Miller

HOUSE BILLS FOR THIRD READING - CONSENT

HB 1421 - Walker
HB 1546 - Lauer
HB 1556 - Love
HB 1530 - Brown (57)
HB 1709 - Lair
HB 2186 - Ross
HB 1388 - Roeber
HB 1538 - Vescovo
HB 1539 - Vescovo
HB 1559 - McCann Beatty
HB 1602 - Ruth
HB 1610 - Swan
HB 1622 - Kelley
HB 1710 - Lair
HB 2195 - Hoskins
HB 2058 - Haahr
HB 1851 - Alferman
HB 1777 - Cierpiot
HB 2183 - Roeber
HB 2335 - Houghton
HB 2348 - Richardson
HB 2369 - Bahr
HB 1958 - Basye

HOUSE BILLS WITH SENATE AMENDMENTS

SS SCS HB 2203, as amended (Fiscal Review 3/7/16) - Barnes

BILLS IN CONFERENCE

SS SCS HB 1983, as amended - Dogan
SS SCS HB 1979, as amended - Rowden

HOUSE RESOLUTIONS

HR 69 - LaFaver

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

SCS HCS HB 1 - Flanigan
CCS SCS HCS HB 2 - Flanigan
CCS SCS HCS HB 3 - Flanigan
CCS SCS HCS HB 4 - Flanigan
CCS SCS HCS HB 5 - Flanigan

CCS SCS HCS HB 6 - Flanigan
CCS SCS HCS HB 7 - Flanigan
CCS SCS HCS HB 8 - Flanigan
CCS SCS HCS HB 9 - Flanigan
CCS SCS HCS HB 10 - Flanigan
CCS SCS HCS HB 11 - Flanigan
CCS SS SCS HCS HB 12 - Flanigan
CCS SCS HCS HB 13 - Flanigan
SS SCS HCS HB 17 - Flanigan
SCS HCS HB 18 - Flanigan
SCS HCS HB 19 - Flanigan

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